

Applicant: Martin J. Dowling
Application No.: 10/736,165

REMARKS

Claims 1, 2, 4-9, 11-16, 19 and 20 are pending in this Application.

Claims 1, 2, 4-9, 11-16, 19 and 20 were rejected by the Examiner.

The Applicant has amended claims 1-2, 8, 9 and 14 to more particularly claim the Applicant's invention. Claims 3, 10, and 15-21 are canceled. The Applicant has added new claims 22-24. All claim amendments and newly added claims 22-24 are fully supported in the specification and/or the drawings. No new matter has been added.

35 U.S.C. §102 Claim Rejections

Claim 14

The Examiner has rejected claim 14 under 35 U.S.C. §102(b) as being anticipated by Mooney et al. (U.S. Publication No. 2002/0098878).

For a 35 U.S.C. §102 rejection, it is well established caselaw that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly, or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Mooney device, which is preferably a headset, includes a single transceiver through which a signal passes to a programmable switch that is capable of altering an audio signal reproducing device. The headset in the Mooney reference receives a signal from a plurality of devices and merely alters the output to the speaker of the headset. The headset does not transmit to a remote device.

Additionally, there is no disclosure, teaching, or suggestion in the Mooney reference of a "first communications transceiver configured to communicate with a wireless network in accordance with network protocols," a "second communications transceiver configured to communicate with at least one remote communication unit," and/or "circuitry configured to selectively transmit data through the local radio link second communications transceiver concerning an alert other than a

telephone call, and to communicate the alert to the at least one remote communication unit." Again, the headset in Mooney possesses a single receiver and does not transmit the received signal any further.

On the other hand, the Applicant's amended independent claim 14 recites:

A wireless transmit/receive unit (WTRU) comprising:
a first communications transceiver configured to communicate with a wireless network in accordance with network protocols;
a local radio link second communications transceiver configured to communicate with at least one remote communication unit;
circuitry configured to selectively transmit data through the local radio link second communications transceiver concerning an alert other than a telephone call, and to communicate the alert to the at least one remote communication unit.

which is not disclosed, taught, or suggested anywhere within the Mooney et al. reference. Accordingly, the Applicant's claimed invention as claimed in amended independent claim 14 is patentable over the Mooney et al. reference.

35 U.S.C. §103 Claim Rejections

Claims 1, 2, 4-9, 11, 15, 16, and 19

The Examiner has rejected claims 1, 2, 4-9, 11, 15, 16, and 19 under 35 U.S.C. §103(a) as being unpatentable over Osborn (U.S. Ref. No. 6,119,022) in view of Bach et al. (U.S. Ref. No. 6,377,795).

In order to establish a *prima facie* case of obviousness, the Examiner must demonstrate there is a suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Furthermore, the prior art references must teach or suggest all of the claim features. The Examiner is not free to pick bits and pieces from the prior art and, with the hindsight benefit of the Applicant's disclosure, attempt to reconstruct the invention. Orthopedic Equipment Inc. v. U.S., 217 U.S.P.Q. 193, 199 (Fed. Cir. 1983).

The Osborn et al. reference discloses a portable communication device that is capable of receiving an incoming call. Once it receives the incoming call, it invariably transmits a signal to an accessory device, regardless of any classification to the call. The accessory unit then receives the signal from the portable communication device and activates a "transducer." Importantly, the portable communication device in Osborn always signals the accessory device.

In addition, the Osborn et al. reference does not disclose, teach or suggest a device configured, *inter alia*, "to determine whether or not to transmit a predetermined signal based upon the call classification," or a device to, among other things, "selectively transmit the predetermined signal according to the call classification to said receiver upon receipt of said call." Moreover, the Bach et al. reference fails to cure these deficiencies.

On the other hand, the Applicant's claimed invention as claimed in amended independent claim 1 recites:

A silent alerting system comprising:
a wearable device, comprising:
 a vibrator;
 a receiver that activates the vibrator upon receiving a predetermined signal; and
 a power supply that powers the vibrator and receiver; and
a communication device comprising:
 a transceiver to link to a wireless network;
 a classification device to classify incoming calls based on information from a database and a caller response to a query and configured to determine whether or not to transmit a predetermined signal based upon the call classification; and
 a signaling device to silence said communication device, record a message, and selectively transmit the predetermined signal according to the call classification to said receiver upon receipt of said call.

The Applicant's amended independent claim 2 recites:

A wireless transmit/receive unit (WTRU) comprising:
 a first communications transceiver configured to communicate with a wireless network in accordance with network protocols;
 a local radio link second communications transceiver, receivable by a remote signaling unit, for providing a user with an indication of an incoming call;
 circuitry to classify an incoming call based on information from a database and a caller response to a query; and
 circuitry to selectively transmit data through the local radio link transmitter concerning calls in accordance with the call class.

Amended independent claim 8 recites:

A wearable device comprising:

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a receiver configured to selectively receive and respond to transmissions from a local wireless phone when said phone is called, the response being according to a call class based on information from a database and a caller response to a query;

a vibrator that is actuated when said receiver receives said transmission; and

a battery to power said receiver and said vibrator,
whereby a user is alerted by said vibrator according to the call class when said phone is called.

which is not disclosed, taught or suggested in the Osborn et al. or Bach et al. references.

Accordingly, the Applicant's amended independent claims 1, 2, and 8 are patentable over the Osborn et al. and Bach et al. references, whether taken alone or in combination with one another.

Claims 4-7 depend from the Applicant's patentable amended independent claim 2 and are therefore patentable for at least the same reasons as patentable amended independent claim 2.

Likewise, claims 9 and 11 depend from the Applicant's patentable amended independent claim 8 and are therefore patentable for at least the same reasons as patentable amended independent claim 8.

Claims 12 and 13

The Examiner rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Osborn in view of Bach, and further in view of Cazier (U.S. Publication No. 2004/0100505).

Neither the Osborn nor Bach references disclose, teach or suggest a device configured, *inter alia*, "to determine whether or not to transmit a predetermined signal based upon the call classification," or a device to, among other things, "selectively transmit the predetermined signal according to the call classification to said receiver upon receipt of said call." The Cazier reference fails to cure these deficiencies.

Accordingly, the Applicant's amended independent claim 8 is patentable over the Osborn, Bach, and Cazier references, whether taken alone or in any combination with one another.

Since claims 12 and 13 depend from the Applicant's patentable amended independent claim 8, they are therefore patentable for at least the same reasons as patentable independent claim 8.

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Conclusion

The Applicant thanks the Examiner for her consideration and believes the application is in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions, or believes that a telephone conference would advance the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned attorney.

Respectfully submitted,

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